

## CONGRESSIONAL RECORD SUMMARY

Tuesday, June 10, 2003

### SENATE

#### Measures Introduced:

**S. 1224.** A bill *to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms;* to the Committee on the Judiciary.

Corzine

Page S 7619, S 7630-2

**S. 1229.** A bill *to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes;* to the Committee on Governmental Affairs.

Akaka

Page S 7619, S 7636-43

#### Nomination--Agreement:

*A unanimous-consent agreement was reached providing for consideration of the nomination of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit, at 11 a.m., on Wednesday, June 11, 2003, with a vote to occur on confirmation of the nomination.*

Page S 7648, D 632

#### Committee Meetings:

**Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water** concluded hearings to examine the current regulatory and legal status of federal jurisdiction of navigable waters under the Clean Water Act, focusing on issues raised by the Supreme Court in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers No. 99-1178*, and a related measure, S. 473, to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States, after receiving testimony from Senator Feingold; G. Tracy Mehan, Assistant Administrator for Water, Environmental Protection Agency; George S. Dunlop, Deputy Assistant Secretary of the Army for Policy and Legislation; Thomas L. Sansonetti, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; L. Michael Bogert, Counsel to Governor of Idaho, Boise; Richard Hamann, University of Florida Levin College of Law, Gainesville; Robert J. Pierce, Wetland Training Institute, Inc., Glenwood, New Mexico; and Scott Yaich, Ducks Unlimited, Inc., Memphis, Tennessee.

Page D 634

#### Committee Meetings for Wednesday, June 11, 2003:

**Committee on the Judiciary: @ 9:30 a.m.** To hold hearings to examine the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice. **SD-G 50.**

Page D 638

**Remarks:**

**Federal Employees Protection of Disclosures Act. [See S. 1229 above.]**

*"...Unfortunately, whistleblower protections under current law have been weakened by the Federal circuit, the court that now possesses exclusive appellate jurisdiction over such claims. The Federal circuit has issued a number of rulings that erode whistleblower rights in direct contradiction to the plain language of the law and the congressional intent of established whistleblower protections. The potential chilling effect of these decisions threatens to undermine the fundamental purpose underlying whistleblower laws. The Federal Employees Protection of Disclosures Act will address this problem by expanding judicial review of such cases to all Federal circuit courts of competent jurisdiction. Jurisdiction will then include the place where the whistleblower lives or where the Government misconduct occurred..."*

Leahy

*Page S 7602*

**HOUSE**

**Measures Introduced:**

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**H.R. 2403.** A bill *to expand the powers of the Attorney General to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Attorney General to include firearm products and nonpowder firearms;* to the Committee on the Judiciary.

Kennedy

*Page H 5173*

**H.R. 2405.** A bill *to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes;* to the Committee on the Judiciary.

Oxley

*Page H 5173*

**H.R. 2412.** A bill *to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a session of Congress that remain after all payments are made from such Allowances for the session to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt;* to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Stupak

*Page H 5174*

**Memorials:**

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**Under clause 3 of rule XII, memorials were presented and referred as follows:**

**No. 77.** Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 memorializing the United States Congress *to sponsor and support legislation to create a new Circuit of the United States Court of Appeals for better regional representation;* to the Committee on the Judiciary.

*Page H 5174*

#### **H.R. 1529 - Involuntary Bankruptcy Improvement Act:**

**H.R. 1529, to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.**

*"...While abusive bankruptcy filings are not pervasive, they have occurred in various districts across the Nation. According to an informal survey conducted by the Administrative Office of the United States Courts and the National Conference of Bankruptcy Clerks, fraudulent involuntary bankruptcy cases have recently been filed in California, Ohio, Maine, Nebraska, and North Carolina. Organizations such as the Anti-Defamation League and the National District Attorneys Association have expressed concern that this litigation tactic may become even more widespread. H.R. 1529 responds to the serious problems presented by abusive involuntary bankruptcy filings in two respects: First, it amends the Bankruptcy Code to require the bankruptcy court, on motion of the debtor, to expunge all records relating to a fraudulent involuntary bankruptcy case from the court's files under certain conditions. Second, it authorizes the bankruptcy court to prohibit all credit reporting agencies from issuing a consumer report containing any reference to a fraudulent involuntary bankruptcy case where the debtor is an individual and the court has dismissed the petition. This bill offers great forward but very much-needed relief to innocent victims of abusive involuntary bankruptcy petitions..."*

*Pages H 5103-04*

#### **H.R. 1086 - Standards Development Organization Advancement Act:**

**H.R. 1086, amended, to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards.**

*Pages H 5104-06*

#### **H.R. 2143 - Unlawful Internet Gambling Funding Prohibition Act:**

**The House passed H.R. 2143, to prevent the use of certain bank instruments for unlawful Internet gambling, by yeas-and-nays vote of 319 yeas to 104 nays, Roll No. 255.**

*Pages H 5136-53, D 635*

##### **Agreed to:**

**Kelly amendment no. 1 printed in H. Rept. 108-145** that adds a new section stating that no provision shall be construed as changing or affecting any law relating to gambling within the United States;

*Pages H 5146, D 635*

##### **Rejected:**

**Jackson-Lee amendment no. 2 printed in H. Rept. 108-145** that sought to remove the ban on the use of credit cards for internet gambling.

*Pages H 5146-48, D 635*

**Sensenbrenner amendment no. 3 printed in H. Rept. 108-145** that sought to remove exceptions for lawful transactions with a business licensed or authorized by a State including Horse racing, dog racing, Jai Alai, and state run lotteries (rejected by recorded vote of 186 yeas to 237 noes, Roll No. 254).

*Pages H 5148-52, D 635-6*

**H. Res. 263**, the rule that provided for consideration of the bill was agreed to by recorded vote of 259 yeas to 158 noes, Roll No. 253. Earlier agreed to order the previous question by yeas-and-nays vote of 222 yeas to 196 nays, Roll No. 252.

*Pages H 5129-36, D 636*

**The Clerk was authorized to make technical corrections and conforming changes** in the engrossment of the bill.

*Pages H 5154, D 636*

**Committee Meetings for Wednesday, June 11, 2003:**

**Committee on Government Reform:** @ 2:00 p.m. Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, to consider the following: *The Citizen's Guide on Using the Freedom of Information Act and The Privacy Act of 1974 to Request Government Records.* 2154 Rayburn.

Page D 638

**Committee on Rules:** @ 2:00 p.m. To consider H.R. 1115, *Class Action Fairness Act of 2003.* H-313 Capitol.

Page D 639

**Remarks:**

Partial Birth Abortion Act.

Davis

Pages E 1185-6

**Tribute to Judge Wilkie D. Ferguson, Jr.**

*"...On Monday, June 9, 2003, our country lost a truly great man, U.S. District Court Judge Wilkie D. Ferguson, Jr. He was an exemplary jurist--experienced, fair, compassionate, knowledgeable and firmly committed to justice. His death is a huge loss to the federal bench, to our community, and to our Nation. Wilkie Demeritte Ferguson, Jr. was born May 11, 1938, to Bahamian immigrants and raised in the Liberty Square public housing project. Judge Ferguson attended all-black public schools: Liberty City Elementary, Dorsey Middle and Northwestern Sr. High. He received his B.S. in Business Administration and Accounting from Florida A & M University. He was certified in Fundamentals of Computer Programming at Philco Technological Institute in Philadelphia and received his Masters in Financial Administration from Drexel University. He continued on to Howard University where he obtained his J.D. Degree. He was the first black jurist appointed to the Miami-Dade Circuit Court and Third District Court of Appeals, and the second black federal judge in the Southern District of Florida..."*

Meek

Page E 1192

**Class Action Reform Good for Families.**

*"...Class actions have become more popular, but not because they have suddenly started benefitting consumers more. After all, under the current system, the suits get bogged down in State courts where the settlements are often not equally distributed among members of the class. Meanwhile, the cost of all this litigation is being passed on by companies to the American consumer. The courts, the companies, and the consumers are not benefitting them. But who is? Who else? The trial lawyers..."*

DeLay

Pages H 5097-8

Constitution is not Irrelevant.

Jackson-Lee

Page H 5154

**The Need for Asbestos Litigation Reform.**

*"...Most asbestos awards go to lawyers' fees and court costs, and a minority actually goes to the lawsuit plaintiffs. Of the amount that goes to plaintiffs, only a small fraction goes to people who are actually suffering from asbestos poisoning. When you look at this situation, as Justice Ruth Bader Ginsberg did, you see a system crying out for reform. Amazingly, the American Bar Association has called for this liability reform. In this House, I introduced the Asbestos Compensation Act with 40 cosponsors, and my colleague the gentleman from Utah (Mr. Cannon) introduced similar legislation. But in 2 days, our eyes will be on the Senate Judiciary Committee, who will take up this issue with Senator Leahy and Senator Hatch, and I think it is the best chance that we have to move a key piece of legislation forward to help our economy..."*

Kirk

Pages H 5159-60

**Next SENATE MEETING: 9:30 a.m., Wednesday, June 11, 2003.**

**Next HOUSE MEETING: 10:00 a.m., Wednesday, June 11, 2003.**

**OLA: S. Schwarz, A. Getter-Santos**